

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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| JOSEPH L. LAFRANCE |) | |
| |) | |
| |) | |
| Appellant |) | |
| |) | Consolidated Appeals¹ |
| v. |) | Case No. 05-cv-30021-MAP |
| |) | |
| PHOEBE MORSE, |) | |
| UNITED STATES TRUSTEE, |) | |
| DENISE PAPPALARDO, |) | |
| STANDING CHAPTER 13 TRUSTEE |) | |
| |) | |
| Appellees |) | |
| |) | |

UNITED STATES TRUSTEE=S MOTION TO SCHEDULE HEARING ON APPEAL

Pursuant to 28 U.S.C. ¹ 158(a) and Fed. R. Bankr. P. 8011, the United States Trustee moves the Court to schedule oral argument on this appeal to coincide with the hearing currently scheduled in the appeals of *In re Joseph LaFrance et al.*², C.A. 04-30153 – 04-30159-MAP on June 2, 2005 at 2:00 p.m. in Springfield, Massachusetts. In support of this motion, the United States Trustee states:

1. The parties in the appeals are the same.
2. The facts and law in the appeals are similar – each of the appeals stems from the bankruptcy court’s decision in *In re LaFrance*, 311 B.R. 1 (Bankr. D. Mass. 2004)(“*LaFrance I*”).

¹ This appeal has been consolidated with the following appeals:

Hector Rolon v. Phoebe Morse et al., C.A. 05-30023-MAP;
 Peter Caci and Denise Caci v. Phoebe Morse et al., C.A. 05-30024-MAP;
 Mark Bennett and Angela Bennett v. Phoebe Morse et al., C.A. 05-30025-MAP;
 Kathleen M. Daigneault v. Phoebe Morse et al., C.A. 05-30026-MAP;
 Marta Oyola v. Phoebe Morse et al., C.A. 05-30027-MAP; and
 Stefan Davis v. Phoebe Morse et al., C.A. 05-30028-MAP.

² In re Marta Oyola, C.A. 04-30154;
 In re Hector Rolon, C.A. 04-30155;
 In re Kathleen M. Daigneault, C.A. 04-30156
 In re Peter and Denise Caci, C.A. 04-30157
 In re Mark and Angela Bennett, C.A. 04-30158; and
 In re Stefan Davis, C.A. 04-30159.

The issue on appeal in the 2004 appeals (“*LaFrance II*”) is whether the bankruptcy court abused its discretion in denying Attorney Lafayette’s motion to file a late appeal of the *LaFrance I* order. The issue in the instant consolidated appeal (“*LaFrance III*”) is whether the bankruptcy court abused its discretion in denying Attorney Lafayette’s second motion to extend the time for filing certain fee applications that were required to be filed as a result of the *LaFrance I* order.

3. The factual basis for Attorney Lafayette’s request for additional time in both *LaFrance II* and *LaFrance III* is the same; i.e., medical problems.

4. Attorney Lafayette’s Reply Brief in the instant appeal is due to be filed on or before June 1, 2005. Attorney Lafayette’s opening brief and the Appellees’ briefs have been filed.

5. Judicial economy and the convenience of the parties will be served by the scheduling of oral argument on the instant consolidated appeals on the same date and at the same time as oral argument on the *LaFrance II* appeals.

6. Counsel to the Chapter 13 Trustee has stated that she has no objection to this Motion. Undersigned counsel contacted Attorney Lafayette today and he indicated that he had no position on the instant Motion at the present time.

WHEREFORE, the United States Trustee prays that the Court schedule oral argument in the instant consolidated appeals on the same date and at the same time as oral argument in the *LaFrance II* appeals (04-30153 through 04-30159-MAP).

PHOEBE MORSE
United States Trustee

By: /s/ Stephen E. Meunier
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